

(d) If a program or activity is not selected for a state process, state, areawide, regional and local officials and entities may submit comments either to the applicant or to the Department. In addition, if a state process recommendation for a nonselected program or activity is transmitted to the Department by the single point of contact, the Secretary follows the procedures of §13.10 of this part.

(e) The Secretary considers comments which do not constitute a state process recommendation submitted under these regulations and for which the Secretary is not required to apply the procedures of §13.10 of this part, when such comments are provided by a single point of contact, by the applicant, or directly to the Department by a commenting party.

#### **§13.10 Accommodation of intergovernmental concerns.**

(a) If a state process provides a state process recommendation to the Department through its single point of contact, the Secretary either:

- (1) Accepts the recommendation;
- (2) Reaches a mutually agreeable solution with the state process; or
- (3) Provides the single point of contact with a written explanation of the decision in such form as the Secretary in his or her discretion deems appropriate. The Secretary may also supplement the written explanation by providing the explanation to the single point of contact by telephone, other telecommunication, or other means.

(b) In any explanation under paragraph (a)(3) of this section, the Secretary informs the single point of contact that:

- (1) The Department will not implement its decision for at least ten days after the single point of contact receives the explanation; or
- (2) The Secretary has reviewed the decision and determined that, because of unusual circumstances, the waiting period of at least ten days is not feasible.
- (c) For purposes of computing the waiting period under paragraph (b)(1) of this section, a single point of contact is presumed to have received written notification 5 days after the date of mailing of such notification.

#### **§13.11 Obligations in interstate situations.**

(a) The Secretary is responsible for:

- (1) Identifying proposed Federal financial assistance and direct Federal development that have an impact on interstate areas;
- (2) Notifying appropriate officials and entities in states which have adopted a process and which select the Department's program or activity.
- (3) Making efforts to identify and notify the affected state, areawide, regional, and local officials and entities in those states that have not adopted a process under the Order or do not select the Department's program or activity;
- (4) Responding pursuant to §13.10 of this part if the Secretary receives a recommendation from a designated areawide agency transmitted by a single point of contact, in cases in which the review, coordination, and communication with the Department have been delegated.
- (b) The Secretary uses the procedures in §13.10 if a state process provides a state process recommendation to the Department through a single point of contact.

### **PART 14 [RESERVED]**

## **PART 15—LEGAL PROCEEDINGS**

### **Subpart A—Service of Process**

Sec.

- 15.1 Scope and purpose.
- 15.2 Definitions.
- 15.3 Acceptance of service of process.

### **Subpart B—Testimony by Employees and the Production of Documents in Legal Proceedings**

- 15.11 Scope.
- 15.12 Definitions.
- 15.13 Demands for testimony or production of documents: Department policy.
- 15.14 Demand for testimony or production of documents: Department procedures.
- 15.15 Procedures when a Department employee receives a subpoena.
- 15.16 Legal proceedings between private litigants: Expert or opinion testimony.
- 15.17 Demands or requests in legal proceedings for records protected by confidentiality statutes.